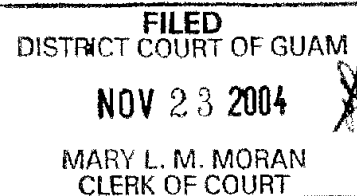


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IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

JAY MERRILL, on his own behalf and on ) CIVIL CASE NO. CIV04-00046  
behalf of all other similarly situated voters )  
desirous of casting a vote in favor of )  
Proposal A at a fair and legal election, )

Plaintiffs, )

vs. )

The Guam Election Commission; Gerald A. )  
Taitano, in his capacity as the Executive )  
Director of The Guam Election Commission, )  
I Mina' Bente Siete Na Liheslaturan Guahan )  
(The 27<sup>th</sup> Guam Legislature); Felix P. )  
Camacho, in his official capacity as the )  
Governor Of Guam. )

Defendants. )

**NOTICE OF MOTION AND MOTION FOR  
SUMMARY JUDGMENT**

**CLASS ACTION**

**To: Defendant The Guam Election Commission and Gerald A. Taitano  
And Their Attorney of Record, Cesar C. Cabot, Esq.**

**Defendant I Mina' Bente Siete Na Liheslaturan Guahan  
(The 27<sup>th</sup> Guam Legislature)  
And Its Attorneys of Record, Therese M. Terlaje, Esq.**

**Defendant Felix P. Camacho, Governor of Guam  
And His Attorneys of Record, Shannon J. Taitano, Esq.  
And the Law Offices of Calvo & Clark**

**All Defendants, through the Office of the Attorney General**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that Plaintiff Jay Merrill, on his own behalf and on behalf of all  
others similarly situated, will bring the accompanying motion for summary judgment on for hearing  
on \_\_\_\_\_, 2004, at \_\_\_\_\_m., or as soon thereafter as counsel may be heard.

## **MOTION**

Plaintiff Jay Merrill hereby moves this Court for summary judgment on his own behalf and on behalf of all others similarly situated. This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure, and is based upon the accompanying supporting Memorandum, the Notice of Motion, the contemporaneously filed Declarations, all papers on file in this case, all papers on file in Aguon-Schulte v. Taitano, et. al., District Court Civil Case No. CIV04-00045, judicial notice of which is hereby requested, and on all other matters of which the court may take judicial notice, and all other evidence which may be considered by the court at the hearing on this motion.

Respectfully submitted this 23<sup>rd</sup> day of November, 2004.

DOOLEY ROBERTS & FOWLER LLP

By:

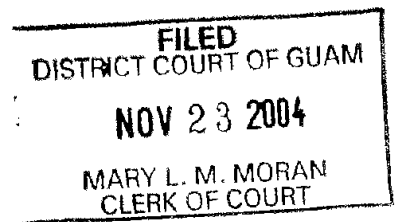


**THOMAS L. ROBERTS**

Attorneys for Plaintiffs

F#C325 D#C325 –Summary Judgment Motion and Notice

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CIVIL CASE NO. CIV04-00046

**NOTICE OF MOTION AND MOTION FOR  
SUMMARY JUDGMENT**

**CLASS ACTION**

**To: Defendant The Guam Election Commission and Gerald A. Taitano  
And Their Attorney of Record, Cesar C. Cabot, Esq.**

**Defendant I Mina' Bente Siete Na Liheslaturan Guahan  
(The 27<sup>th</sup> Guam Legislature)  
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**Defendant Felix P. Camacho, Governor of Guam  
And His Attorneys of Record, Shannon J. Taitano, Esq.  
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**All Defendants, through the Office of the Attorney General**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that Plaintiff Jay Merrill, on his own behalf and on behalf of all  
others similarly situated, will bring the accompanying motion for summary judgment on for hearing  
on \_\_\_\_\_, 2004, at \_\_\_\_\_.m., or as soon thereafter as counsel may be heard.

## **MOTION**

Plaintiff Jay Merrill hereby moves this Court for summary judgment on his own behalf and on behalf of all others similarly situated. This motion is made pursuant to Rule 56 of the Federal Rules of Civil Procedure, and is based upon the accompanying supporting Memorandum, the Notice of Motion, the contemporaneously filed Declarations, all papers on file in this case, all papers on file in Aguon-Schulte v. Taitano, et. al., District Court Civil Case No. CIV04-00045, judicial notice of which is hereby requested, and on all other matters of which the court may take judicial notice, and all other evidence which may be considered by the court at the hearing on this motion.

Respectfully submitted this 23<sup>rd</sup> day of November, 2004.

DOOLEY ROBERTS & FOWLER LLP

By:



**THOMAS L. ROBERTS**

Attorneys for Plaintiffs

F#C325 D#C325 --Summary Judgment Motion and Notice